

**COUNCIL MEETING NOTICE AND AGENDA**

**WEDNESDAY, JUNE 25, 2014**

**9:00 A.M. OR SOON THEREAFTER**

**COUNCIL CHAMBERS**

**HISTORIC COUNTY BUILDING**

**4396 RICE STREET, SUITE 201**

**LĪHUʻE, KAUAʻI, HAWAII 96766**

RECEIVED

A. MEETING CALLED TO ORDER.

'14 JUN 19 P1:35

B. ROLL CALL.

C. APPROVAL OF AGENDA.

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAʻI

D. PUBLIC COMMENT.

Pursuant to Council Rule 13(e), members of the public shall be allowed a total of eighteen (18) minutes on a first come, first served basis to speak on any agenda item. Each speaker shall be limited to three (3) minutes at the discretion of the Chair to discuss the agenda item and shall not be allowed additional time to speak during the meeting. This rule is designed to accommodate those who cannot be present throughout the meeting to speak when the agenda items are heard. After the conclusion of the eighteen (18) minutes, other members of the public shall be allowed to speak pursuant to Council Rule 12(e).

E. MINUTES of the following meetings of the Council:

1. May 28, 2014 Council Meeting
2. June 4, 2014 Special Council Meeting

F. CONSENT CALENDAR:

1. C 2014-181      Communication (05/27/2014) from the Director of Finance, transmitting for Council information, the following reports:

(1) County of Kauaʻi Bond Summary of General Long-Term Debt Amount Outstanding as of July 1, 2013;

(2) County of Kauaʻi Bond Supplemental Summary of General Long-Term Debt Amount Outstanding as of June 30, 2014; and

Excluded County of Kauaʻi Bond Supplemental Summary of Long-Term Debt Amount Outstanding as of June 30, 2012: CFD No. 2008-1 (Kukuiʻula Development Project) Special Tax Bonds, Series 2012, sold April 25, 2012.

*(Copy on file in the County Clerk's Office.)*

2. C 2014-182      Communication (06/06/2014) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of May 2, 2014.
3. C 2014-183      Communication (06/12/2014) from the Director of Finance, transmitting for Council consideration, proposed amendments to Section 2, Ordinance No. 891, relating to the Authorization of the Issuance of General Obligation Bonds of the County of Kaua'i for the Purpose of Financing Certain Public Improvements and Refunding Certain Bonds of the County; Fixing or Authorizing the Fixing of the Form, Denominations, and Certain Other Details of Such Bonds and Providing for the Sale of Such Bonds to the Public. (*See Proposed Draft Bill (No. 2547)*)
4. C 2014-184      Communication (06/13/2014) from Councilmember Bynum and Councilmember Hooser, transmitting for Council consideration, a proposed Resolution Proposing A Charter Amendment Relating To The Public Access, Open Space, And Natural Resources Preservation Fund. (*See Resolution No. 2014-37*)

G. COMMUNICATIONS:

1. C 2014-125      Communication (04/17/2014) from the County Attorney, requesting authorization to expend funds up to \$15,000 to retain Special Counsel to advise the Council concerning coverage under the County's insurance policy with Everest National Insurance Company, in connection with the lawsuit Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 JMS-RLP (United States District Court), and related matters. (*Deferred 06/10/2014*)
2. C 2014-185      Communication (04/30/2014) from Council Chair Furfaro, requesting the presence of Michael J. Belles, Esq., to provide the Council with the second Quarterly Progress Report relating to the rebuilding of the Coco Palms Hotel by Coco Palms Hui, LLC.
3. C 2014-186      Communication (05/19/2014) from the Chief of Police, requesting Council approval to accept and utilize a donation from Donald H. Wilson, Retired Secret Service Agent, of an unfired Remington 40-XS Tactical Rifle, bolt action, 300 win Magnum caliber, Serial No. S 6654 983, valued at approximately \$3,600, which will be assigned to and in the exclusive control of the Kaua'i Police Department's Special Services Team.

4. C 2014-187      Communication (06/03/2014) from the Acting Director of Personnel Services, requesting Council approval to dispose of Civil Service Recruitment and Examination records to include employment applications, resumés, transcripts, copies of driver's licenses, and other attachments; examination materials (used and unused test booklets and answer sheets) for Fiscal Years 2002-2007, pursuant to Section 46-43, Hawai'i Revised Statutes and Resolution No. 49-86 (1986) as amended, for the following reasons:
  1. Kept for over seven (7) years and are no longer of use or value.
  2. Kept for over two (2) years and original verified to be on file with NEOGOV (Recruitment Computerized System).
  3. Originals scanned and attached, stored electronically.
5. C 2014-188      Communication (06/05/2014) from the Committee on the Status of Women Chair, requesting Council approval to seek funding in the amount of \$10,000 from the Hawai'i State Commission on the Status of Women, to support their ongoing advocacy and work towards ensuring equality for women and girls by acting as a catalyst for positive change through advocacy, education, collaboration, and program development.
6. C 2014-189      Communication (06/10/2014) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year (FY) 2014 Local Solicitation Grant in the amount of \$43,381, to continue employment of the 1.0 Full-Time Equivalent (FTE) Process Server to conduct process serving for the Office of the Prosecuting Attorney, purchase office supplies, and allow the Kaua'i Police Department Officers the ability to attend training.
7. C 2014-190      Communication (06/13/2014) from the Office of the County Attorney, requesting authorization to expend funds up to \$200,000 for Special Counsel's continued services to represent the County Council in Ernesto G. Pasion vs. County of Kaua'i, et al., Civil No. 13-1-0340 (Fifth Circuit Court), and related matters.
8. C 2014-191      Communication (06/16/2014) from Council Vice Chair Chock, requesting the presence of PKF Pacific Hawai'i LLP, to provide the Council with a briefing on the Audit of County Vehicles and the Audit of the County Furlough Program, including the Administration's responses to the respective audits.

H. CLAIMS:

1. C 2014-192      Communication (05/29/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Torao Nakamura, for medical bills and personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. C 2014-193      Communication (06/02/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Charles H. Lass, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. C 2014-194      Communication (06/03/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Dominador Gorospe, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
4. C 2014-195      Communication (06/10/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Ronald J. Horoshko for Cloroshko LLC., dba, Birdie's Café and Pub, for loss of revenue and compensation for perishable foods, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORT:1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2014-10:** on Bill No. 2497, Draft 1 A BILL FOR AN ORDINANCE TO AMEND THE KAUA'I COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE TO CHAPTER 4, RELATING TO THE REGISTRATION AND REGULATION OF LOBBYISTS  
**[Received for the Record.]**

J. RESOLUTION:

1. Resolution No. 2014-37 – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND

K. BILL FOR FIRST READING:

1. Proposed Draft Bill (No. 2547) – A BILL FOR AN ORDINANCE TO AMEND SECTION 2, ORDINANCE NO. 891 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC IMPROVEMENTS AND REFUNDING CERTAIN BONDS OF THE COUNTY; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC

L. BILL FOR SECOND READING:

1. Bill No. 2497, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND THE KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE TO CHAPTER 4, RELATING TO THE REGISTRATION AND REGULATION OF LOBBYISTS *(See also CR-COW 2014-10; the Committee of the Whole recommended Bill No. 2497, Draft 1 be received for the record.)*

M. EXECUTIVE SESSION: *Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)*

1. ES-722 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and (8) and Kaua'i County Charter Section 3.07(e), the purpose of this Executive Session is to provide the Council with a briefing concerning the coverage provided by the County's insurance policy with Everest National Insurance company for attorneys' fees arising in connection with the lawsuit Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 JMS-RLP (United States District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item. ***(Deferred 06/10/2014)***
2. ES-736 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(e), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on Michael Guard Sheehan's Mediation Proposal Regarding Intermediate Court of Appeals CAAP 11-0000601; Fifth Circuit Court Civil No. 11-1-0098 (Condemnation); U.S. District Court Civil No. CV12-00195 HG BMK; and Fifth Circuit Court Civil No. 11-1-0206, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

3. ES-737 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and (8) and Kaua'i County Charter Section 3.07(e), the Office of the County Attorney requests an Executive Session with the Council to provide the Council, with briefings regarding Ernesto G. Pasion vs. County of Kaua'i, et al., Civil No. 13-1-0340 (Fifth Circuit Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
4. ES-738 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and (8) and Kaua'i County Charter Section 3.07(e), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on the proposed pre-litigation settlement offer involving the potential lawsuit in Federal District Court entitled Carl Ragasa v. Kaua'i County et al., and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

N. ADJOURNMENT.

- O. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUA'I, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.